

REMARKS/ARGUMENTS

Reexamination of the captioned application is respectfully requested.

A. SUMMARY OF THIS AMENDMENT

By the current amendment, Applicants basically:

1. Cancel claims 1, 17, and 19 without prejudice or disclaimer or acquiescence.
2. Add new independent claims 23, 29, and 30 in lieu of cancelled independent claims 1, 17, and 19, respectively.
3. Amend claims 2 – 11 and 16, editorially and/or with regard to dependency, so that claims 2 – 16 now ultimately depend from new independent claim 23.
4. Add new claims 24 – 28, all dependent upon new independent claim 23.
5. Amend the dependency of claim 18 so that claim 18 now depends from new independent claim 29.
6. Amend the dependency of claim 20 so that claim 20 now depends from new independent claim 30.
7. Respectfully traverse all prior art rejections.
8. Request a one month extension of time.

B. PATENTABILITY OF THE CLAIMS

Claims 1, 3-5, 9-15 and 17-19 stand rejected under 35 USC 103(a) as being unpatentable over U.S. Publication 2001/0039183 to Kobayashi et al in view of U.S. Patent 6,052,605 to Meredith et al. Claims 2 and 16 stand rejected under 35 USC 103(a) as being unpatentable over U.S. Publication 2001/0039183 to Kobayashi et al in view of U.S. Patent 6,052,605 to Meredith et al and further in view of U.S. Patent 6,466,793 to Wallstedt et al. Claim 7 stands rejected under 35 USC 103(a) as being unpatentable over U.S. Publication 2001/0039183 to Kobayashi et al in view of U.S. Patent 6,052,605 to

Meredith et al and further in view of U.S. Patent 6,404,830 to Wiese et al. Claims 7-8 and 20 stand rejected under 35 USC 103(a) as being unpatentable over U.S. Publication 2001/0039183 to Kobayashi et al in view of U.S. Patent 6,052,605 to Meredith et al and further in view of U.S. Publication 2002/0160769 to Gray et al. All prior art rejections are respectfully traversed for at least the following reasons.

New independent claims 23, 29, and 30 are all distinguishable over the applied prior art. Each of new independent claims 23, 29, and 30 is supported, e.g., by the first full paragraph of page 13 of the original specification. The independent claims include a limitation “a)” of “assessing plural frequencies with respect to a radar interference signal”. As such, all independent claims avoid U.S. Publication 2001/0039183 to Kobayashi et al. which, as admitted by the office action, operates only on one frequency.

New dependent claims 24 – 26 refer to a time period for which act a) of independent claim 23 is performed. These claims are supported, e.g., by the following specification passages: page 9, lines 33 to 35 (claim 24); page 9, line 35 (claim 25); and page 4, lines 12 and 13 (claim 26).

New dependent claims 27 – 28, referring respectively to the system being a High Performance Radio Local Area Network (claim 27) or an IEEE 802.11a/h system (claim 28) are supported by the second and third full paragraphs of page 13 of the original specification.

Applicants submit that the new claims avoid the prior art references as well as the rejections under 35 USC §112, second paragraph. In view of the foregoing and other considerations, all claims are deemed in condition for allowance. A formal indication of allowability is earnestly solicited.

C. MISCELLANEOUS

The Commissioner is authorized to charge the undersigned's deposit account #14-1140 in whatever amount is necessary for entry of these papers and the continued pendency of the captioned application.

Should the Examiner feel that an interview with the undersigned would facilitate allowance of this application, the Examiner is encouraged to contact the undersigned.

Respectfully submitted,

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